

REMARKS

Applicants have received and reviewed the Office Action dated November 22, 2002. By way of response, Applicants have canceled claims 9, 23, and 58 without prejudice. Claims 1-7, 11-16, 19-22, 24, and 56 are pending. No new matter is introduced. Applicants submit that the claims are supported by the specification.

For the reasons given below, Applicants respectfully submit the claims are in condition for allowance, and notification to that effect is earnestly solicited.

Claim Objection

The Examiner objected to claims 8, 23, and 58 as being improper dependent claims. Claims 8, 23, and 58 have been canceled, which renders this objection moot. Applicants respectfully traverse this objection.

Applicants do not acquiesce to the reasoning of the office action and believe that canceling these claims does not narrow the scope of the claims from which they depended. Typically, cells are grown in logarithmic phase so that they can reach a stationary phase. The presently claimed invention includes such logarithmic growth. In particular, claim 23 refers to providing cells, providing cells including growing them in logarithmic phase. Nonetheless, solely to expedite allowance of claims in this application, claims 8, 23, and 58 have been canceled without prejudice.

Accordingly, Applicants respectfully request withdrawal of this objection.

Rejection of Claims Under § 112, First Paragraph

The Examiner rejected claims 1-8, 11-27, 56, and 58 under 35 U.S.C. § 112, first paragraph. The Examiner objected to the recitation of logarithmic in claims 8, 23, and 56, and suggested that canceling these claims would address this rejection. Applicants respectfully traverse this rejection.

Applicants thank the Examiner for his suggestion of a way to address this rejection. Claims 8, 23, and 58 have been canceled, which renders this rejection moot.

Applicants do not acquiesce to the reasoning of the office action and believe that canceling these claims does not narrow the scope of the claims from which they depended. Typically, cells are grown in logarithmic phase so that they can reach a stationary phase. The

presently claimed invention includes such logarithmic growth. In particular, claim 23 refers to providing cells, which can include growing them in logarithmic phase. Nonetheless, solely to expedite allowance of claims in this application, claims 8, 23, and 58 have been canceled without prejudice.

Accordingly, Applicants respectfully request withdrawal of this rejection.

Rejection of Claims Under § 103

The Examiner rejected claims 1-8, 11-14, 16-18, and 21-23 under 35 U.S.C. § 103(a) as being obvious over Justus et al. (*Mutation Research* (1998) 398: 131-41) in view of Chalfie et al. (*Science* (1994) 263: 802-04). The Examiner rejected claims 1-8, 11-18, 21-24 and 56 as being obvious over Farr (U.S. Patent 5,589,337) in view of Chalfie et al. (*Science* (1994) 263: 802-04). The Examiner rejected claims 1-8, 11-16, 19-24, 56, and 58 as being obvious over Farr (U.S. Patent 5,589,337) in view of Chalfie et al. (*Science* (1994) 263: 802-04) and further in view of Mitchell et al. (*Mutation Research* (1986) 159: 139-46). Applicants respectfully traverse these rejections.

The Examiner objected to the recitation of logarithmic in claims 8, 23, and 56, and suggested that canceling these claims would address this rejection. Applicants thank the Examiner for his suggestion of a way to address this rejection. Claims 8, 23, and 58 have been canceled, which renders this rejection moot.

Applicants do not acquiesce to the reasoning of the office action and believe that canceling these claims does not narrow the scope of the claims from which they depended. Typically, cells are grown in logarithmic phase so that they can reach a stationary phase. The presently claimed invention includes such logarithmic growth. In particular, claim 23 refers to providing cells, which can include growing them in logarithmic phase. Nonetheless, solely to expedite allowance of claims in this application, claims 8, 23, and 58 have been canceled without prejudice.

Accordingly, based on the foregoing differences, it is submitted that the references cited in the prior art rejections neither teach nor suggest the presently claimed methods, and withdrawal of this rejection is respectfully requested.

Summary

In summary, each of claims 1-7, 11-16, 19-22, 24, and 56 are in condition for allowance. The Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below, if the Examiner believes that doing so will expedite prosecution of this patent application.

Respectfully submitted,

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